U.S. DEPARTMENT OF LABOR
Employment and Training Administration
Washington, D.C. 20210

REPORT ON STATE LEGISLATION

REPORT NO. 6
December 2014

FLORIDA HB 7023 (CH 218) — ENACTED June 20, 2014; EFFECTIVE July 1, 2014

Administration

Provides that initial and continued claims for benefits must be made by approved electronic or alternate means and in accordance with rules adopted by the Department of Economic Opportunity. The Department shall provide alternative means, such as by telephone, for filing initial and continued claims if the Department determines access to the approved electronic means is or will be unavailable and also must provide public notice of such unavailability.

Repeals the definition of "initial skills review" defined as an online education or training program that is approved by the Department of Economic Opportunity and designed to measure an individual's mastery level of workplace skills. Deletes all language referring to the term "initial skills review."

Provides that the Department must offer an online assessment that serves to identify an individual's skills, abilities, and career aptitude. The skills assessment must be voluntary, and the Department must allow a claimant to choose whether to take the skills assessment. The online assessment shall be made available to any person seeking services from a regional workforce board or a one-stop career center. The Department, workforce board, or one-stop career center shall use the assessment to develop a plan for referring individuals to training and employment opportunities. Individuals shall be informed of and offered services through the one-stop delivery system, including career counseling, provision of skill match and job market information, and skills upgrade and other training opportunities, and shall be encouraged to participate in such services at no cost to the individuals.

Extensions and Special Programs

Amends the short-time compensation program provisions as follows.

- The term "employer-sponsored training" means a training component sponsored by an employer to improve the skills of the employer's workers.
- For approval of a short-time compensation plan, the plan must include a certified statement by the employer that the aggregate reduction in work hours is in lieu of layoffs (previously, temporary layoffs) that would affect at least 10 percent of the employees in the affected unit and that would have resulted in an equivalent reduction in work hours;

- The plan certifies that, if the employer provides fringe benefits to any employee whose workweek is reduced under the program, the fringe benefits will continue to be provided to the employee participating in the short-time compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the short-time compensation program. The term "fringe benefits" includes contributions under a defined contribution plan as defined in Section 414(i) of the Internal Revenue Code.
- The plan describes the manner in which the requirements of the program will be implemented, including a plan for giving notice, if feasible, to an employee whose workweek is to be reduced, together with an estimate of the number of layoffs that would have occurred absent the ability to participate in short-time compensation; and
- The terms of the employer's written plan and implementation are consistent with employer obligations under applicable Federal laws and laws of this state.
- The Department may not deny short-time compensation benefits to an individual who is otherwise eligible for these benefits for any week because such individual is participating in an employer-sponsored training or a training under the Workforce Investment Act to improve job skills when the training is approved by the Department.

Nonmonetary Eligibility

Deletes the requirement that, to be eligible to receive benefits, an individual must participate in an initial skills review, as directed by the Department.

ILLINOIS SB 3530 (P.A. 1133) ENACTED December 23, 2014 EFFECTIVE July 1, 2014

Administration

Provides that with regard to an employer required to report monthly, in addition to each employee's name, social security number, and wages for insured work paid during the period, the Director of the Illinois Department of Employment Security may, by rule, require a report to provide the employee's occupation, hours worked during the period, hourly wage if applicable, and work location if the employer has more than one physical location. Notwithstanding any other provision of any other law to the contrary, the information obtained shall not be disclosed to any other public official or agency of Illinois or any other state to the extent it relates to a specifically identified individual or entity or to the extent that the identity of a specific individual or entity may be discerned from such information.

Coverage

Provides that the term "employment" does not include individuals engaged in the delivery or distribution of newspapers or shopping news if at least one of the following four elements is present.

(1) The individual performing the services gains the profits and bears the losses of the services.

(2) The person or firm for whom the services are performed does not represent the individual as an employee to its customers.

(3) The individual hires his or her own helpers or employees, without the need for approval from the person or firm for whom the services are performed, and pays them without reimbursement from that person or firm.

(4) Once the individual leaves the premises of the person or firm for whom the services are performed or the printing plant, the individual operates free from the direction and control of the person or firm, except as is necessary for the person or firm to ensure quality control of the newspapers or shopping news, including, but not limited to, the condition of the newspapers or shopping news upon delivery and the location and timing of delivery of the newspapers or shopping news.

Provides that notwithstanding the exemption from employment described above, the term "employment" does not include the delivery or distribution of newspapers or shopping news to the ultimate consumer if certain conditions established in the law are met.

Provides that the exemptions from coverage described above shall not apply in the case of any individual who provides delivery or distribution services for a newspaper pursuant to the terms of a collective bargaining agreement and shall not be construed to alter or amend the application or interpretation of any existing collective bargaining agreement. Further, the employment exemptions shall not be construed as evidence of the existence or non-existence of an employment relationship under any other sections of the law or other existing laws; and shall not apply to services that are required to be covered as a condition of approval by the U.S. Secretary of Labor under Section 3304(a)(6)(A) of the Federal Unemployment Tax Act.

<u>Extensions and Special Programs</u>

Provides the framework for a short-time compensation (STC) program, to be established by the Director through the rule making process.

Provides definitions of the following terms:

- "Affected unit" means a specified plant, department, shift, or other definable unit that includes 2 or more workers to which an approved short-time compensation plan applies.
- "Health and retirement benefits" mean employer-provided health benefits and retirement benefits under a defined benefit pension plan (as defined in Section 414(j) of the Internal Revenue Code) or contributions under a defined contribution plan (as defined in Section 414(i) of the Internal Revenue Code), which are incidents of employment in addition to the cash remuneration earned.
- "Short-time compensation" means the unemployment benefits payable to employees in an affected unit under an approved short-time compensation plan, as distinguished from the unemployment benefits otherwise payable.

- "Short-time compensation plan" means a plan submitted by an employer, for approval by the Director, under which the employer requests the payment of short-time compensation to workers in an affected unit of the employer to avert layoffs.
- "Usual weekly hours of work" means the usual hours of work for full-time or part-time employees in the affected unit when that unit is operating on its regular basis, not to exceed 40 hours and not including hours of overtime work.
- "Unemployment insurance" means the unemployment benefits payable other than short-time compensation and includes any amount payable pursuant to an agreement under any Federal law providing for compensation, assistance, or allowances with respect to unemployment.

The program must require an employer to submit a plan for approval to participate in the program; the plan must:

- Include the employer's unemployment insurance account number, the affected unit covered by the plan, the number of full-time or part-time workers affected, the percentage of workers in the affected unit covered by the plan, the name and social security number of each individual in the affected unit, and any other information required by the Director to identify plan participants.
- Include a description of how workers in the affected unit will be notified of the employer's participation in the short-time compensation plan if the application is approved.
- Include the employer's certification that it has the approval of the plan from all collective bargaining representatives of employees in the affected unit and has notified all employees in the affected unit who are not in a collective bargaining unit of the plan.
- Include the employer's certification that it will not hire additional part-time or full-time employees for, or transfer employees to, the affected unit, while the program is in operation.
- Identify the usual weekly hours of work for participating employees and the specific percentage by which the hours will be reduced during all weeks covered by the plan (must not be less than 10 percent or more than 60 percent) as well as identify any week there is no work due to a holiday or plant closing.
- Include a certification by the employer that, if the employer provides health and retirement benefits to employees, those benefits will not be cut due to participation in the STC program by the employee.
- Include a certification by the employer that the participation in the STC is in lieu of layoffs, and include an estimate of the number of workers who would have been laid off.
- Include an agreement to furnish reports to the Director or other authorized representative; to allow access to all records necessary to approve, monitor, and evaluate the plan; and follow any directives the Director deems necessary to implement the plan.
- Include certification that participation in and implementation of the plan is consistent with the employer's obligations under Federal and Illinois laws.
- Include a specific effective date and duration of the plan (plan may not exceed 12 months after the effective date).
- Include any other provision added to the plan by the Director that the U.S. Secretary of Labor determines to be appropriate.

Requires the Director to approve or disapprove an STC plan within 45 days of receipt. The reasons for disapproval must be included in the event of disapproval. The employer may submit another plan after 30 days of the disapproval date.

Provides that the plan shall expire at the end of 12 calendar months after the effective date, or on a date agreed upon in the plan.

Allows for mutually exclusive termination of the plan by the Director or the employer:

- The Director must show good cause and provide an effective date of the revocation.
- The employer must provide written notice of termination of the plan and an effective date of the termination.
- In the event of an employer terminated plan, the Director must contact all the affected employees.

The employer may request modification of the STC plan, with specific modifications and reasons, in writing; the Director has 30 days to approve or disapprove of the plan modification. Modifications are not allowed for extending a plan beyond the 12 month limit.

Provides that an individual is eligible for STC if:

- the individual is eligible for unemployment insurance;
- not otherwise disqualified for unemployment insurance;
- the individual is a member of the affected unit of an organization with an effective STC program; and
- the individual is available for the individual's usual work hours with the employer which may include participation in training approved by the Director.

Provides that individuals are deemed unemployed if they are members of an affected unit with the active STC program, and the individual's remuneration for that week was reduced pursuant to the approved STC plan.

Provides that the STC compensation weekly benefit amount shall be the product of the percentage of the reduction in the individual's usual weekly hours of work multiplied by the sum of the regular weekly benefit amount for a week of total unemployment, plus any applicable dependent allowances. Any STC payments shall be deducted from an individual's maximum benefit amount established for that individual's benefit year.

Provides that an individual that receives STC shall not exceed the maximum benefit amount in any benefit year, and shall not receive STC for longer than 52 weeks under a singular STC plan.

Provides that employees of an employer with an STC plan who are also employed by an employer without an STC plan:

- If combined hours of work in a week for both employers do not result in a reduction of at least 20 percent of the usual hours of work with the STC employer, then the individual is not entitled to benefits.
- If combined hours of work for both employers result in a reduction equal to or greater than 20 percent of the usual weekly hours of work for the STC employer, then the STC benefit amount payable to the individual is reduced for that week. The reduction is determined by multiplying the percentage by which the combination hours of work have been reduced by the sum of the weekly benefit amount for a week of total unemployment plus any dependent allowances. This benefit payment must be reported as a week of STC.
- If an individual worked the reduced hours for the STC employer and did not work any hours for the other employer, then the individual is eligible for STC for that week.
- If an individual is not provided any work in a week by the STC employer or any other employer, and is otherwise eligible, that individual is eligible for the amount of regular unemployment insurance.
- If an individual is not provided any work from the STC employer but works for another employer, and is otherwise eligible, then the individual may be paid unemployment insurance subject to income disqualifications.

Provides that employers must be charged for STC in the same manner as regular unemployment insurance compensation is charged under Illinois law.

Provides that no STC plan shall be approved for any employer that is delinquent in:

- Filing required reports
- Payment of contributions
- Payments in lieu of contributions
- Payments of interest
- Payment of penalties

Provides that overpayments for other benefits under Illinois unemployment law can be recovered from individuals receiving short-time compensation, and that overpayments of short-time compensation can be recovered from individuals receiving other benefits under Illinois unemployment law.

Provides that individuals who have exhausted all regular compensation and short-time compensation are eligible to receive extended benefits.

<u>Financing</u>

Provides that the balance of funds in the special administrative account that are in excess of $100,000 on the first day of each calendar quarter and not transferred to this state's account in the unemployment trust fund, minus the amount reasonably anticipated to be needed to make payments from the special administrative account, shall be transferred to the Title III Social Security and Employment Fund in the State Treasury within 30 days of the first day of the

calendar quarter. The transfer of such funds to the Title III Social Security and Employment Fund shall be on a more frequent basis.

MAINE SB 663 (CH 474) ENACTED and EFFECTIVE March 10, 2014

Nonmonetary Eligibility

Provides that approved training is training as is approved by the Deputy (previously, the Unemployment Insurance Commission). No otherwise eligible individual may be denied benefits for any week because that individual is in training as approved by the Deputy. Deputy means a representative from the Bureau of Unemployment Compensation designated by the Commissioner.

MAINE SB 666 (CH 448) ENACTED and EFFECTIVE February 20, 2014

Extensions and Special Programs

Amends the work-sharing program provisions as follows:

- The term "work-sharing plan" means a plan submitted to the Commissioner, Department of Labor, by an eligible employer under which there is a reduction in the number of hours worked by the eligible employees in the affected unit in lieu of layoffs (previously, temporary layoffs) of some of the employees.
- The Commissioner shall approve a work-sharing plan if the terms of the employer's written work-sharing plan and implementation plan attest that they are consistent with employer obligations under applicable Federal and state laws and, among other things, the following requirements are met:

    - the "work-sharing plan" certifies that the reduction in the usual weekly hours of work is in lieu of layoffs (previously, temporary layoffs) that would have affected at least 10 percent of the eligible employees in the affected unit or units and that would have resulted in an equivalent reduction in work hours;

    - the work-sharing plan specifies the manner in which the fringe benefits of the eligible employees will be affected. If the employer provides health benefits or retirement benefits under a defined benefit plan, the employer must continue to provide the benefits to employees participating in the work-sharing program as if the workweeks of these employees had not been reduced or to the same extent the benefits are provided to other employees not participating in the work-sharing program;

    - the work-sharing plan specifies the manner in which the requirements will be implemented including a plan for giving notice, when feasible, to an employee whose workweek is to be reduced together with an estimate of the number of layoffs that would have occurred absent the ability of employees to participate in the work-

sharing and such other information as the United States Secretary of Labor determines is appropriate; and

- the eligible employer allows eligible employees to participate, as appropriate, in training, including employer-sponsored training or worker training funded under the Federal Workforce Investment Act of 1998 to enhance job skills if such training has been approved by the Commissioner.

MASSACHUSETTS	SB 2195 (CH 144)	ENACTED June 26, 2014 EFFECTIVE December 27, 2014, or as noted

Administration

Provides that an agency or instrumentality of the Commonwealth shall not enter into, renew, or extend a contract or agreement with any employer to provide goods, services, or physical space that has a maximum obligation or value greater than $5,000 to the agency or instrumentality or authorize any tax credit in excess of $5,000 unless the employer has submitted a certificate of compliance issued by the Department of Labor and Workforce Development showing that it is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution.

Amends the provisions regarding "penalties for committing fraud or by misrepresentation" by adding the following language: The receipt of any notice of termination of employment or of any substantial alteration in the terms of employment within 6 months after an employee has provided evidence in connection with a claim for benefits, or has testified at any hearing conducted, shall create a rebuttable presumption that such notice or other action is a reprisal against the employee for providing evidence. Such presumption shall be rebutted only by clear and convincing evidence that such employer's action was not a reprisal against the employee, and that the employer had sufficient independent justification for taking such action, and would have in fact taken such action, in the same manner and at the same time the action was taken, regardless of the employee's providing evidence in connection with a claim for benefits. An employing unit found to have threatened, coerced, or taken reprisal against any employee shall rescind any adverse alteration in the terms of employment for such employee, and shall offer reinstatement to any terminated employee, and shall also be liable for damages and costs of the suit, including a reasonable attorney's fee.

Provides that the Department of Unemployment Assistance shall investigate the feasibility of, and design, a pilot program to provide skills training internships with employers in the Commonwealth for residents who are unemployed and are receiving unemployment insurance benefits.

Amends the provisions regarding "in-person assistance" by adding the following language: The Department shall conduct at least one public hearing each year to seek the input of employers in the Commonwealth. A notice of the time and location shall be posted at least 20 days prior to a public hearing on the Department's web site and sent electronically or otherwise to: members of

the general court, every employer with an account with the Department, the Massachusetts Chamber of Commerce, Inc., the Greater Boston Chamber of Commerce, the Massachusetts Taxpayers Association, Associated Industries of Massachusetts, Inc., and the National Federation of Independent Business.

Coverage

Excludes from "governmental coverage" services performed as an election official or election workers if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than $1,000.

Provides that, if the entire organization, trade, or business of an employer, or substantially all the assets thereof, are transferred to another employer or employing unit and the transferee continues such organization, trade, or business, the transferee shall be considered a successor.

Extensions and Special Programs

Eliminates the previous work-sharing program provisions, and creates the following work-sharing program provisions as follows.

- The term "affected unit" means a specified plant, Department, shift, or other definable unit that includes 2 or more workers (previously, unit consisting of not less than 2 employees) to which an approved work-sharing plan applies.
- The term "director" means the Director of the Department or the Director's authorized representative.
- The phrase "health and retirement benefits" means health benefits, and retirement benefits provided by an employer under a defined benefit pension plan as defined in 26 U.S.C. Section 414(j), or contributions under a defined contribution plan as defined in Section 26 U.S.C. 414(i), that are incidents of employment in addition to the cash remuneration earned.
- The term "unemployment compensation" means the unemployment benefits payable other than work-sharing benefits, including any amounts payable pursuant to an agreement under any Federal law providing for compensation, assistance, or allowances with respect to unemployment.
- The phrase "usual weekly hours of work" means the usual hours of work for full-time or regular part-time employees in the affected unit when that unit is operating on its regular basis, not to exceed 40 hours and not including hours of overtime work. (Previously, "normal weekly hours of work" meant the normal number of hours each week for an employee in an affected unit when that unit is operating on a full-time basis, not to exceed 40 hours and not including overtime.)
- The term "work-sharing benefits" means the unemployment benefits payable to employees in an affected unit under an approved work-sharing plan, as distinguished from the unemployment benefits otherwise payable under the unemployment compensation provisions. (Previously, work-sharing benefits meant the benefits payable to employees in an approved work-sharing plan.)

- The term "work-sharing plan" means a plan submitted by an employer, for approval by the Director, under which the employer requests the payment of work-sharing benefits to workers in an affected unit of the employer to avert layoffs.
- Deletes the phrase "work-sharing employer", defined as an employer with an approved work-sharing plan in effect.
- An employer may participate in a work-sharing program by submitting a signed written work-sharing plan and application form (developed by the Director) to the Director for approval. An employer with a negative account reserve percentage as of the most recent computation shall not be eligible to participate. Any application, whether for initial approval, approval following one or more disapprovals, for modification, or for participation in another work-sharing plan after the expiration or termination of an approved plan, shall include:

  (1) the affected unit or units covered by the plan, including the number of full-time or part-time workers in such unit, the percentage of workers in the affected unit covered by the plan, identification of each individual employee in the affected unit by name, social security number, and the employer's unemployment tax account number, and any other information required by the Director to identify plan participants;

  (2) a description of how workers in the affected unit will be notified of the employer's participation in the work-sharing program if such application is approved, including how the employer will notify those workers in a collective bargaining unit, as well as any workers in the affected unit who are not in a collective bargaining unit. If the employer will not provide advance notice to workers in the affected unit, the employer shall explain in a statement in the application why it is not feasible to provide such notice;

  (3) a requirement that the employer identify the usual weekly hours of work for employees in the affected unit and the specific percentage by which their hours will be reduced during all weeks covered by the plan. An application shall specify the percentage of reduction for which a work-sharing application may be approved which shall be not less than 10 percent and not more than 60 percent. If the plan includes any week for which the employer regularly provides no work due to a holiday or other plant closing, then such week shall be identified in the application;

  (4) certification by the employer that, if the employer provides health and retirement benefits to any employee whose usual weekly hours of work are reduced under the program, such benefits will continue to be provided to employees participating in the work-sharing program under the same terms and conditions as though the usual weekly hours of work of such employee had not been reduced, or to the same extent as other employees not participating in the work-sharing program. For defined benefit retirement plans, the hours that are reduced under the work-sharing plan shall be credited for purposes of participation, vesting, and accrual of benefits as though the usual weekly hours of work had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of compensation may be less due to the reduction in the employee's compensation.

Notwithstanding the above, an application may contain the required certification when a reduction in health and retirement benefits scheduled to occur during the duration of the plan will be applicable equally to employees who are not participating in the work-sharing program and to those employees who are participating;

(5) certification by the employer that the aggregate reduction in work hours is in lieu of temporary or permanent layoffs, or both. The application shall include an estimate of the number of workers who would have been laid off in the absence of the work-sharing plan. The plan shall not serve as a subsidy of seasonal employment during the off season, nor as a subsidy of temporary part-time or intermittent employment;

(6) agreement by the employer to: (i) furnish reports to the Director relating to the proper conduct of the plan; (ii) allow the Director or the Director's authorized representatives access to all records necessary to approve or disapprove the plan application, and after approval of a plan, to monitor and evaluate the plan; and (iii) follow any other directives the Director deems necessary for the agency to implement the plan and that are consistent with the requirements for plan applications;

(7) certification by the employer that participation in the work-sharing plan and its implementation are consistent with the employer's obligations under applicable Federal and state laws;

(8) the effective date and duration of the plan, which shall expire not later than the end of the twelfth full calendar month after the effective date;

(9) the written approval by the collective bargaining agent for each collective bargaining agreement for each affected unit included in the plan; and

(10) any other provision added to the application by the Director that the United States Secretary of Labor determines to be appropriate for purposes of a work-sharing program.

- The Director shall approve or disapprove a work-sharing plan in writing within 15 days of its receipt and promptly communicate the decision to the employer. The disapproval shall be final, but the employer may submit another work-sharing plan for approval not earlier than 7 days from the date of the disapproval.
- A work-sharing plan shall be effective on the date that is mutually agreed upon by the employer and the Director, which shall be specified in the notice of approval to the employer. The plan shall expire on the date specified in the notice of approval, which shall be either the date at the end of the twelfth full calendar month after its effective date or an earlier date mutually agreed upon by the employer and the Director; provided, however, that if a work-sharing plan is revoked by the Director, the plan shall terminate on the date specified in the Director's written order of revocation. An employer may terminate a work-sharing plan at any time upon written notice to the Director. Upon receipt of such notice from the employer, the Director shall promptly notify each employee of the affected unit of the termination date. An employer may submit a new

application to participate in another work-sharing plan at any time after the expiration or termination date.

- The Director may revoke approval of a work-sharing plan for good cause at any time, including upon the request of any of the affected unit's employees. The revocation order shall be in writing and shall specify the reasons for the revocation and the date the revocation is effective.
- The Director may periodically review the operation of each employer's work-sharing plan to assure that no good cause exists for revocation of the approval of the plan. Good cause shall include, but not be limited to, failure to comply with the assurances given in the plan, unreasonable revision of productivity standards for the affected unit, conduct or occurrences tending to defeat the intent and effective operation of the work-sharing plan, and violation of any criteria on which approval of the plan was based.
- An employer may request a modification of an approved plan by filing a written request identifying the specific provisions proposed to be modified and providing an explanation of why the proposed modification is appropriate for the work-sharing plan. The Director shall approve or disapprove the proposed modification in writing within 15 days of receipt and promptly communicate the decision to the employer. The Director may approve a request for modification of the plan based on conditions that have changed since the plan was approved; provided that the modification is consistent with and supports the purposes for which the plan was initially approved. A modification shall not extend the expiration date of the original plan, and the Director shall promptly notify the employer whether the plan modification has been approved and, if approved, the effective date of the modification. No employer shall be required to request approval of a plan modification from the Director if the change is not substantial, but the employer shall report every change to the plan to the Director promptly and in writing. The Director may terminate an employer's plan if the employer fails to meet this reporting requirement. If the Director determines that the reported change is substantial, the Director shall require the employer to request a modification to the plan.
- An individual may receive work-sharing benefits for any week, provided that the individual is monetarily eligible for unemployment compensation, not otherwise disqualified for unemployment compensation, and:

    (1) during the week, the individual is employed as a member of an affected unit under an approved work-sharing plan, which was approved prior to that week and the plan is in effect during the week for which work-sharing benefits are claimed;

    (2) notwithstanding any provision related to availability for work and actively seeking work, the individual is available for the individual's usual hours of work with the work-sharing employer, which may include participating in training to enhance job skills that is approved by the Director such as employer-sponsored training or training funded under the Workforce Investment Act of 1998, Public Law 105-220; and

    (3) notwithstanding any general or special law to the contrary, an individual covered by a work-sharing plan shall be considered unemployed in any week during the duration of such plan if the individual's remuneration as an employee in an

affected unit is reduced based on a reduction of the individual's usual weekly hours of work under an approved work-sharing plan.

- Eligibility provisions for work-sharing benefits include:

(1) The work-sharing weekly benefit amount shall be the product of the regular weekly unemployment compensation amount for a week of total unemployment multiplied by the percentage of reduction in the individual's usual weekly hours of work.

(2) An individual may be eligible for work-sharing benefits or unemployment compensation, as appropriate, except that no individual shall be eligible for combined benefits in any benefit year in an amount more than the maximum entitlement established for regular unemployment compensation, nor shall an individual be paid work-sharing benefits for more than 52 weeks under a work-sharing plan.

(3) The work-sharing benefits paid to an individual shall be deducted from the maximum entitlement amount of regular unemployment compensation established for that individual's benefit year.

(4) Provisions applicable to unemployment compensation claimants shall apply to work-sharing claimants to the extent that they are not inconsistent with work-sharing provisions. An individual who files an initial claim for work-sharing benefits shall receive a monetary determination.

(5) This paragraph shall apply to individuals who work for both a work-sharing employer and another employer during weeks covered by the approved work-sharing plan.

(i) If the combined hours of work in a week for both employers do not result in a reduction of at least 10 percent or, if higher, the minimum percentage of reduction required to be eligible for a work-sharing benefit, of the usual weekly hours of work with the work-sharing employer, the individual shall not be entitled to benefits.

(ii) If the combined hours of work for both employers results in a reduction equal to or greater than 10 percent; or, if higher, the minimum percentage reduction required to be eligible for a work-sharing benefit, of the usual weekly hours of work for the work-sharing employer, the work-sharing benefit amount payable to the individual shall be reduced for that week and shall be determined by multiplying the weekly unemployment benefit amount for a week of total unemployment by the percentage by which the combined hours of work have been reduced by 10 percent or, if higher, the minimum percentage reduction required to be eligible for a work-sharing benefit, or more of the individual's usual weekly hours of work. A week for which benefits are paid under this clause shall be reported as a week of work-sharing.

(iii) If an individual worked the reduced percentage of the usual weekly hours of work for the work-sharing employer and is available for all of the individual's usual hours of

work with the work-sharing employer, and the individual did not work any hours for the other employer, either because of the lack of work with that employer or because the individual is excused from work with the other employer, the individual shall be eligible for work-sharing benefits for that week. The benefit amount for such week shall be calculated as provided in subsection (i).

> (6) An individual who is not provided any work during a week by the work-sharing employer, or any other employer, and who is otherwise eligible for unemployment compensation shall be eligible for the amount of regular unemployment compensation to which the individual would otherwise be eligible.
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> (7) An individual who is not provided any work by the work-sharing employer during a week, but who works for another employer and is otherwise eligible may be paid unemployment compensation for that week subject to the disqualifying income and other provisions applicable to claims for regular compensation.

- Work-sharing benefits shall be charged to employers' experience rating accounts in the same manner as unemployment compensation is charged. Employers liable for payments in lieu of contributions shall have work-sharing benefits attributed to service in their employ in the same manner as unemployment compensation is attributed.
- An individual who has received all of the work-sharing benefits or combined unemployment compensation and work-sharing benefits available in a benefit year shall be considered an exhaustee for purposes of extended benefits, and if otherwise eligible shall be eligible to receive extended benefits.
- The Director may utilize any remedies provided to recover work-sharing benefits that were improperly paid as a result of information that was substantially misleading or that contained a material misrepresentation of fact, and was submitted to the Director in connection with the approval, modification, or implementation of a work-sharing plan.

<u>Financing</u>

Provides that the phrase "unemployment compensation debt" shall have the same meaning as "covered unemployment compensation debt" in 26 U.S.C. Section 6402(f)(4).

Modifies the definition of "reserve percentage" to mean, in relation to an employer's account, the net balance of such account on a computation date stated as a percentage of the average of the employer's total taxable payroll for the 3 years prior to (previously, employer's total taxable payroll for the period of 12 consecutive months ending on) the computation date, except that if an employer has no taxable wages but has a balance, such employer's reserve percentage shall be deemed to be zero positive if the account balance is positive; or, 14 percent negative if the account balance is negative. If an employer has no taxable wages and has a zero account balance, such employer's "reserve percentage" shall be deemed to be zero positive. In relation to the solvency account, "reserve percentage" shall mean the annual balance of the account on a computation date stated as a percentage, rounded up to 4 decimal places, of the average of the total taxable payrolls reported by all employers whose experience rate is determined for the 3 years preceding (previously, total taxable payrolls reported by all employers whose experience

rate is determined for the period of 12 consecutive months ending on) the computation date. In relation to the unemployment compensation fund, "reserve percentage" shall mean the balance of the fund, excluding the accounts established on a computation date stated as a percentage of the average of the total payrolls reported by all employers liable for contributions for the 3 years (previously, of the total payrolls reported by all employers liable for contributions for the calendar year) immediately preceding the computation date. (Effective for unemployment insurance rates calculated for the calendar year beginning January 1, 2018.)
Increases the taxable wage base from $14,000 to $15,000, effective on or after January 1, 2015.

Provides that the Commissioner shall determine each employer's total taxable wages for the 3 year period (previously, 12 months' period) immediately preceding the applicable computation date for the purpose of determining the employer's experience rate for the next succeeding calendar year. (Effective for unemployment insurance rates calculated for the calendar year beginning January 1, 2018.)

Provides that, for the purpose of determining the "reserve percentage" in the solvency account, the Commissioner shall determine the total taxable wages of all employers in the Commonwealth, whose experience rate is determined for the 3 year period (previously, during the calendar year) previous to the applicable computation date and shall prescribe the procedure and methods by which such total taxable wages shall be determined. (Effective for unemployment insurance rates calculated for the calendar year beginning January 1, 2018.)

Provides for a revised experience rate table with 7 schedules (A – G), effective January 1, 2015. The range of rates for the most and least favorable schedules is as follows:

- Positive Percentage employers—
  Most favorable: 0.56 percent to 3.14 percent
  Least favorable: 1.21 percent to 6.77 percent

- Negative Percentage Employers—
  Most favorable: 4.22 percent to 8.62 percent
  Least favorable: 9.08 percent to 18.55 percent

Schedule C is in effect for calendar year 2015, and the rates for positive percentage employers range from 0.73 percent to 4.06 percent and for negative percentage employers from 5.45 percent to 11.13 percent.

Provides that new employers shall pay contributions at the rate which appears on the line with an employer account reserve percentage of 10.05 (previously, of 10.05, but less than 11.0). The new employer rate is 1.87 percent. (Effective on January 1, 2015.)

Provides that for calendar years 2015, 2016, and 2017 the experience rate of an employer that is less than 5.4 percent shall be the rate which appears in Schedule C of the experience rate table. Rates less than 5.4 percent in Schedule C range from 0.73 percent to 4.06 percent. (Effective on January 1, 2015.)

Provides that the Department of Unemployment Assistance shall notify all employers of the experience rate not later than January 31 of each calendar year.

Provides that any nonprofit organization terminating its election to become a nonprofit organization shall pay contributions from the effective date of such election at the rate which appears on the line with an employer account reserve percentage of 0.00 (previously, of 0.0, but less than 0.5) positive, or 5.4 percent whichever is lesser until it has been an employer for 12 consecutive months. (Effective on January 1, 2015.)

Decreases the work force training contribution rate from 0.075 percent to 0.056 percent of the taxable wage base. Consistent with Federal law, the rate of the contribution shall be adjusted so that the total amount of contributions in a year substantially equals $22,000,000 (previously, $18,000,000). (Effective on January 1, 2015.)

Provides that, if an assessment or any administrative decision upon review has become final and the contributions, payments in lieu of contributions, interest or penalties assessed remain unpaid, the unpaid and overdue amount may be referred to the Secretary of the U.S. Department of Treasury for collection pursuant to the Federal treasury offset program (TOP); provided, that all procedures for notice and opportunity to present evidence as required by Federal Regulation have been followed.

Provides that money credited to the Commonwealth's account in the Unemployment Trust Fund may also be withdrawn for payment of fees authorized under the Federal treasury offset program and paid to the Financial Management Service, a bureau of the Department of the Treasury.

Nonmonetary Eligibility

Modifies the definition of "seasonal employer" to mean an employer that, because of climatic conditions or the nature of the product or service, customarily operates all or a functionally distinct occupation within its business only during a regularly recurring period or periods of less than 20 (previously, 16) weeks for all seasonal periods during a calendar year and only includes an employer who voluntarily submits a written application to the Commissioner, Department of Labor and Workforce Development. The application shall be submitted at least 60 days prior to the beginning of the season.

Modifies the definition of "seasonal employee" to mean an individual who has been employed by a seasonal employer in seasonal employment during a regularly recurring period or periods of less than 20 (previously, 16) weeks in a calendar year for all seasonal periods, as determined by the Commissioner.

Provides that, if a seasonal employer, after the date of its seasonal determination, operates its business or its seasonal operation during a period or periods of 20 weeks (previously, 16 weeks) or more in a calendar year, the employer shall be redetermined o have lost its seasonal status with respect to that business or operation effective at the end of the then current calendar quarter.

Provides no waiting week period shall be allowed and no benefits shall be paid to an individual for the period of unemployment next ensuing and until the individual has had at least 8 weeks of work and (previously, in each of said weeks) has earned an amount equivalent to or in excess of 8 times the individual's weekly benefit amount (previously, earned an amount equivalent to or in excess of the individual's weekly benefit amount) after the individual has left work (1) voluntarily, (2) by discharge for deliberate misconduct, or (3) because of conviction of a felony or misdemeanor.

Adds the following sentence to the provision regarding "benefits for partial unemployment:" Nothing in this subsection shall cause a full denial of benefits solely because an individual left a part-time job, which supplemented primary full-time employment, during the individual's base period prior to being deemed in partial unemployment.

Overpayments

Provides that, if an employee who is a corporate officer, partner, or owner of an employing unit, or is a person who has more than a 5 percent equitable or debt interest in an employing unit, or is an immediate family member of such individual, receives an unemployment benefit and, during the same benefit year, resumes or returns to work for the same employing unit, then the Department may determine that the employee's unemployment was due to circumstances within the employee's control and may seek repayment of any overpaid benefits.

Amends the provisions regarding the "offset of an overpayment against certain refunds" by adding the following language: In addition to any other remedy provided, the Commissioner may request that the amount payable to the Department by an individual resulting from an overpayment of unemployment benefits which has become final be set off against any Federal tax refund payment owed such individual by the U.S. Department of Treasury, in accordance with the requirements of the Federal treasury offset program.

MICHIGAN HB 4958 (P.A. 241) ENACTED June 24, 2014 EFFECTIVE August 23, 2014

Coverage

Excludes from the definition of "employment" service performed by an individual holding a visa described in Section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, 8 USC 1101 (H-2B visa holders).

Provides that service performed before January 1, 1978, by an individual in the classified civil service of this state and service performed by an individual for a school district, a community college district, a school or educational facility owned or operated by the state other than an institution of higher education, or a political subdivision of the state is employment subject to this Act. (Previously, provided that service performed before January 1, 1978, by an individual in the classified civil service of this state and service performed by an individual for a school district, a community college district, a school or educational facility owned or operated by the state other than an institution of higher education, or a political subdivision of the state, except a

political subdivision which has a local unemployment compensation system as provided in Section 13j of the Michigan Employment Security Act, is employment subject to this Act.)

Provides that, except as otherwise provided in Section 42(6) of the Michigan Employment Security Act, the term "employment" does not include services (previously, agricultural service) performed by an individual who is an alien admitted to the U.S. to perform:

- Services described in Sections 214(c) and 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act, 8 USC 1184 and 8 USC 1101(a)(15)(H)(ii)(a).
- Beginning January 1, 2014, services described in Section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, 8 USC 1101(a)(15)(H)(ii)(b), and services described in 22 CFR 62.28 to 62.32 that are performed by a holder of a J-1 exchange visitor program visa issued under Section 101(a)(15)(J) of the Immigration and Nationality Act, 8 USC 1101(a)(15)(J), and the Mutual Educational and Cultural Exchange Act of 1961, 22 USC 2451 to 2464. The employer claiming an exclusion under this subparagraph must be the petitioner of an H-2B visa holder, as documented on an approved I-129 petition for a nonimmigrant worker, or the sponsor of the J-1 exchange visitor program visa holder, as documented in the DS-2019 form. The employer shall maintain the supporting documentation for the claim for 6 years and, upon request, provide the unemployment agency with that documentation for compliance and verification purposes. This subparagraph is intended to apply retroactively to include the full calendar year.

Provides that service performed by an individual as an oil, gas, or mineral landman under a contract with a private person or private entity if substantially all remuneration, including payment at a daily rate paid in cash or otherwise for the performance of the service, is directly related to the individual's completion of the specific tasks contracted for rather than the number of hours worked, and if the contract provides that the individual is an independent contractor and not an employee with respect to the contracted service. An individual must be engaged in 1 or more of 6 specific tests to meet the meaning of a "landman".

Financing

Provides that, notwithstanding the exclusion from employment under section 43(a)(ii) of the Michigan Employment Security Act of services (by certain aliens admitted to the U.S. to perform services) performed for the employer, wages paid for performing those services shall be used to calculate the employer's obligation assessment rate and obligation assessment.

MINNESOTA HB 2949 (CH 251) ENACTED May 16, 2014 EFFECTIVE June 8, 2014

Nonmonetary Eligibility

Provides that Social Security disability benefits affect payment of unemployment compensation as follows:

(a) An applicant who is receiving, has received, or has filed for primary Social Security disability benefits for any week is ineligible for unemployment benefits for that week, unless:

(1) the Social Security Administration approved the collecting of primary Social Security disability benefits each month the applicant was employed during the base period; or
(2) the applicant provides a statement from an appropriate health care professional who is aware of the applicant's Social Security disability claim and the basis for that claim, certifying that the applicant is available for suitable employment.

(b) If an applicant meets the requirements of paragraph (a), clause (1), there is no deduction from the applicant's weekly benefit amount for any Social Security disability benefits.

(c) If an applicant meets the requirements of paragraph (a), clause (2), there must be deducted from the applicant's weekly unemployment benefit amount 50 percent of the weekly equivalent of the primary Social Security disability benefits the applicant is receiving, has received, or has filed for, with respect to that week.

If the Social Security Administration determines that the applicant is not entitled to receive primary Social Security disability benefits for any week the applicant has applied for those benefits, then this paragraph does not apply to that week.

(d) Information from the Social Security Administration is considered conclusive, absent specific evidence showing that the information was erroneous.

(e) The above Social Security disability provisions do not apply to Social Security survivor benefits.

MISSOURI SB 844 ENACTED and EFFECTIVE June 27, 2014

Extensions and Special Programs

Amends the shared work compensation program provisions as follows:

- The term "fringe benefit" means health insurance, a retirement benefit received under a defined benefit pension plan as defined in section 414(j) of the Internal Revenue Code, or contributions under a defined contribution plan as defined in section 414(i) of the Internal Revenue Code, a paid vacation day, a paid holiday, sick leave, and any other analogous employee benefit that is provided by an employer.

- A shared work plan may be approved if:

    - the employer certifies that, if the participating employer provides fringe benefits, as defined, to any employee in the affected unit, such benefits shall continue to be

provided to employees participating in the shared work unemployment compensation program under the same terms and conditions as though the normal weekly hours of work had not been reduced or to the same extent as other employees not participating in the shared work unemployment compensation program;
    - the employer certifies that the implementation of a shared work plan and the resulting reduction in work hours is in lieu of layoffs (previously, temporary layoffs) that would affect at least ten percent of the employees in the affected unit and that would result in an equivalent reduction in work hours;
    - the shared work plan includes an estimate of the number of employees who would be laid off if the employer does not participate in the shared work unemployment compensation program;
    - the shared work plan describes the manner in which employees in the affected unit will be notified of the employer's participation in the shared work unemployment compensation program. If the employer will not provide advance notice to the employees in the affected unit, the shared work plan must contain a statement explaining why it is not feasible to provide advance notice;
    - the employer certifies that participation in the shared work plan and its implementation is consistent with the employer's obligation under applicable Federal and state laws; and
    - the shared work plan includes any other provision that the United States Secretary of Labor determines to be appropriate for the purpose of a shared work unemployment compensation program.

- Deletes the provision that no shared work plan which will subsidize employers, at least 50 percent of the employees of which have normal weekly hours of work equaling 32 hours or less, shall be approved.

- An individual who is otherwise entitled to receive regular unemployment insurance benefits shall be eligible to receive shared work benefits with respect to any week in which, notwithstanding the certain other provisions of the unemployment insurance law, the individual is able to work and available for his or her normal hours of work with the participating employer. (Previously, the individual is able to work, available for work, and works all available hours with the participating employer.)

- The division shall not deny shared work benefits for any week to an otherwise eligible individual by reason of the application of any provision that relates to training that is approved as provided in Section 288.055, such as employer-sponsored training or training funded under the Workforce Investment Act of 1998.

- Deletes the provision providing that an individual shall be ineligible for shared work benefits for any week in which the individual performs paid work for the participating employer in excess of the reduced hours established under the shared work plan.

- Notwithstanding any other provision of the unemployment insurance law, all benefits paid under a shared work plan that are chargeable to the participating employer or any

other base period employer shall be charged to employers in the same manner as regular unemployment benefits are chargeable. (Previously, notwithstanding any other provision of the unemployment insurance law, all benefits paid under a shared work plan which are chargeable to the participating employer or any other base period employer of a participating employee shall be charged to the account of the participating employer under the plan.)

NORTH CAROLINA HB 1031 (CH 18) ENACTED and EFFECTIVE June 24, 2014

Administration

Provides that the Department of Commerce may contract with a North Carolina nonprofit corporation to assist the Department in fostering and retaining jobs and business development, international trade, marketing, and travel and tourism, except the Department may not contract with a North Carolina nonprofit corporation regarding the Division of Employment Security, including the administration of unemployment insurance.

OKLAHOMA HB 2505 (CH 220) ENACTED May 6, 2014 EFFECTIVE November 1, 2014

Administration

Provides that the certification statement made by an individual when filing an initial claim, regarding the truthfulness and correctness of the information provided, is available through the Internet claims service or can be obtained by completing a form available at a local office.

Amends the statute on confidentiality to provide that all administrative subpoenas, court orders, or notarized waivers of confidentiality authorized shall be presented with a request for records within 90 days of the date the document is issued or signed, and the document can only be used one time to obtain records.

Appeals

Repeals the following provision regarding certified questions by the appeals tribunal: provided, if in connection with any subsequent proceeding an appeal tribunal referee has serious doubt as to the correctness of any principle so declared he or she may certify his or her findings of fact in the case, together with the question of law involved, to the Board of Review, which, after giving notice and reasonable opportunity for briefing to all parties to the proceeding, shall return to the Commission adjudicator, the appeal tribunal referee and the parties its answer to the question submitted by written decision. Any decision made by the Board of Review on a certified question shall be subject to judicial review.

Extensions and Special Programs

Repeals the shared-work compensation program.

Financing

Adds a good cause exception to the provision prohibiting non-charging for benefits paid erroneously due to the employer's failure to timely object to the claim, and allows for an untimely objection of a claim should the employer show good cause for the failure to timely object.

Monetary Entitlement

Adds a provision that the Commission can reconsider a determination if it finds that reimbursed pay or back pay was received by a claimant under circumstances that would reduce the amount of benefits drawn.

Adds a provision regarding reimbursed pay or back pay, which reads as follows:

> Reimbursed pay or back pay received by a claimant shall be subtracted from the benefit amount drawn by a claimant in each week in which:
>
> - the claimant is placed on furlough or work stoppage by his or her employer;
> - the claimant is not paid wages or salary during the pendency of the furlough or work stoppage;
> - the furlough or work stoppage is due to a lapse in appropriations, funding, or budget shortfall affecting the employer;
> - after the furlough or work stoppage concludes, the claimant is reimbursed his or her full pay for the period during which the furlough or work stoppage occurred; and
> - the employer considers the employee as having been in a pay status during the furlough or work stoppage.
>
> Each week where reimbursed pay or back pay is subtracted from a claim an automatic redetermination of the eligibility for benefits is triggered. The automatic redeterminations are subject to the same appeal rights and overpayment provisions as apply to other unemployment insurance claims.

Deletes the term "year" and replaces it with the term "quarter," and adds the phrase: the fifth compensable week of unemployment to indicate in which quarter the benefits should be considered paid.

Nonmonetary Eligibility

Amends the definition of misconduct in the event of a discharge for misconduct as follows:

- any intentional act or omission by an employee which constitutes a material or substantial breech of the employee's job duties or responsibilities or obligations pursuant to his or her employment or contract of employment;
- unapproved or excessive absenteeism or tardiness;

- indifference to, breach of, or neglect of the duties required which result in a material or substantial breach of the employee's job duties or responsibilities;
- actions or omissions that place in jeopardy the health, life, or property of self or others;
- dishonesty;
- wrongdoing;
- violation of a law; or
- a violation of a policy or rule enacted to ensure orderly and proper job performance or for the safety of self or others. (Previously, a violation of a policy or rule adopted to ensure orderly work or the safety of self or others.)

Adds the following provisions to the discharge for misconduct section:

- Any misconduct violation as defined shall not require a prior warning from the employer. As long as the employee knew, or should have reasonably known, that a rule or policy of the employer was violated, the employee shall not be eligible for benefits.
- Any finding by a state or Federal agency of any failure by the employee to meet the applicable civil, criminal, or professional standards of the employee's profession shall create a rebuttable presumption of such misconduct, and benefits shall be denied, unless the employee can show, with clear and convincing evidence, that such misconduct did not occur, or the Commission determines that such failure did not constitute misconduct as defined.

Deletes the term "minor" and replaces it with the term "dependent," in the definition of "immediate family member," in the context of a voluntary quit for compelling family circumstances.

Deletes from the voluntary quit for reasons of domestic violence provision the phrase "or confidential documentation" and adds "evidence." The pertinent clause of the provision reads as follows: if the claimant separated from employment due to domestic violence or abuse, verified by any reasonable evidence.

SOUTH DAKOTA HB 1045 (CH 248) ENACTED and EFFECTIVE March 24, 2014

Financing

Provides that, for taxable wages paid on and after January 1, 2010, through December 31, 2014, the minimum contribution rate is 0.0 percent when an employer's reserve ratio is 2.50 percent and over, and the maximum contribution rate is 9.50 when an employer's reserve ratio is less than -6.60 percent.

Provides that for taxable wages paid on and after January 1, 2015, the minimum contribution rate is 0.00 percent when an employer's reserve ratio is 2.25 percent and over, and the maximum contribution rate is 9.50 percent when an employer's reserve ratio is less than -7.00 percent.

SOUTH DAKOTA HB 1143 (CH 250) — ENACTED March 26, 2014; EFFECTIVE February 1, 2015

Extensions and Special Programs

Repeals the provision providing that unemployed individuals exhausting rights to regular unemployment compensation, who are enrolled in an approved training program or in a job training program authorized under the Workforce Investment Act of 1998, will be entitled to an additional amount of benefits equal to 26 times their average weekly benefit amount for the most recent benefit year; such training programs will prepare individuals for entry into a high-demand occupation who have been separated from a declining occupation or who have been involuntarily separated from employment because of a permanent reduction in operations at their place of employment.

Financing

Repeals the provision providing that the former employer's experience-rating account may not be charged for the additional training program benefits.

VIRGINIA SB 492 (CH 464) VA HB 932 (CH 41) — ENACTED March 31, 2014; EFFECTIVE July 1, 2014

Administration

Provides that, notwithstanding any provision of law to the contrary, the Virginia Economic Development Partnership (previously, the Department of Small Business and Supplier Diversity) may share certain data from within its respective databases solely to (i) provide the workforce program evaluation and policy analysis, and (ii) conduct education program evaluations that require employment outcomes data to meet state and federal reporting requirements.

Creates the Virginia Jobs Investment Program to support private sector job creation by encouraging the expansion of existing Virginia businesses and the start-up of new business operations in Virginia. The program consists of the following component programs: (1) The Virginia New Jobs Program; (2) The Workforce Retraining Program; and (3) The Small Business New Jobs and Retraining Programs.

WISCONSIN Rule 22012 — ADOPTED April 21, 2014; EFFECTIVE as noted

Administration

Repeals the ability to mail in a continued claim; computerized and telephonic claim filing is standard unless another method of filing is specifically allowed, on an individual basis, by the Department of Workforce Development. (Effective May 1, 2014.)

Nonmonetary Eligibility

Revises the work search requirements for eligibility as follows:

- Amends the temporary lay-off exemption to add that an individual is exempt from the work search requirement if the employer verifies that the individual will be recalled to work within 8 weeks of lay-off; the exemption may be extended an additional 4 weeks, not to exceed 12 weeks.
- Adds a work search exemption for an individual with a verified new employment start date within 4 weeks, not to exceed 4 weeks.
- Adds a work search exemption for an individual participating in a work share program.
- Adds a work search exemption for an individual participating in a self-employment assistance program.
- Adds a work search exemption for an individual participating in a program that has been enacted by the Wisconsin or Federal legislature, and the program includes that claimants who participate in the program shall be exempted from work search requirements.
- Increases the number of work search activities in suitable work from at least 2 to at least 4 in a claim week. (Effective May 1, 2014.)
- Adds that a claimant is exempt from conducting 4 weekly work searches if the claimant performs at least 20 hours of work for any employer in that week. (Previously, the work search was waived if the claimant performed any work for his or her customary employer.)
- Adds that, in addition to applying for work with employers who may reasonably be expected have openings for suitable work, if a claimant has been unemployed for 7 or more consecutive weeks, the claimant may be required to conduct 5 weekly work searches when a claimant is placing unreasonable limitations as to salary, hours, or conditions of work in accepting new work or is not engaging in work search efforts as would a prudent person who is out of work and is seeking work. (Effective May 1, 2014.)
- Amends the work search verification requirements to include additional information as follows:

    - Upon request, a claimant must provide, by a computer-based program or other methods approved by the Department, verification of conducting at least 4 work search actions. If good cause is shown for not using a computer-based program, the Department shall approve alternate forms of verification. (Effective May 1, 2014.)
    - Applications for work verification must include the method of contacting of a potential employer. Additionally, the term "or other verifiable information of the application" was added. (Effective May 1, 2014.)
    - Work search verification of a civil service exam must include the location of the exam and the position for which the individual applied. (Effective May 1, 2014.)
    - Registration with a union is expanded to include registration with a union or placement facility, and a requirement to include the name and address of the facility at which the individual registered. (Effective May 1, 2014.)
    - Any reemployment services used at a public employment office: the date of the visit, the name and address of the public employment office, training program, or

similar reemployment office, and the name of the person with whom the claimant met. (Effective May 1, 2014.)
    - If approved by the Department, any other type of work search activity reasonably expected to result in the claimant becoming employed. (Effective May 1, 2014.)

- Deletes the following requirement from the work search verification provisions: Evidence of any other action which the claimant took during a given week to seek work including, but not limited to, any responses to advertisements for suitable work and submission of personal resumes to prospective employers. (Effective May 1, 2014.)
- Adds the following requirements for work search verification: Directs the claims office to provide reasonable accommodations to individuals who cannot provide information on registering for work in the normal prescribed manner for the Department of Workforce Development.

Provides that the Department may require a claimant to participate in, among other things, a training program or similar reemployment services which offers instruction in improving skills for finding and obtaining employment. If a claimant fails without good cause to participate in a training program or similar reemployment services for any given week, the claiming is ineligible for benefits for that week. (Effective May 1, 2014.)

The other provisions of Wisconsin Rule 22012 will take effect when the Secretary determines the Department has the technological ability to implement the changes.